

**UNITED STATES DISTRICT COURT**  
for the

Western District of North Carolina

United States of America	)	
v.	)	
MARIO FANEAK WASHINGTON	)	Case No: <u>1:04CR00063-001</u>
Date of Previous Judgment: <u>2/2/2005</u>	)	USM No: <u>19649-058</u>
(Use Date of Last Amended Judgment if Applicable)	)	<u>Randolph Lee</u>
	)	Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: <u>23</u>	Amended Offense Level: <u>21</u>
Criminal History Category: <u>V</u>	Criminal History Category: <u>V</u>
Previous Guideline Range: <u>120</u> to <u>120</u> months	Amended Guideline Range: <u>120</u> to <u>120</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction. If Amendment 706 (Retroactive Crack Cocaine Amendment) had been in place at the original sentencing, the guideline range would have been restricted to the mandatory minimum sentence of 120 months, per USSG §5G1.1(b).

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated 2/2/2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: March 26, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Lacy H. Thornburg  
United States District Judge

